

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

LYNDA SOJKA,

Plaintiff,

v.

AGUIRRE EXPRESS CORP., DRIVE
NEW JERSEY INSURANCE
COMPANY, PROGRESSIVE
AMERICAN INSURANCE
COMPANY, CARLOS AGUIRRE
a/k/a CARLOS AGUIRRE
GONZALEZ, ABC TRUCKING
COMPANY, XYZ, INC., and JOHN
DOES 1-10,

Defendants.

Civil Action File No. _____

DEFENDANTS' NOTICE OF REMOVAL

COME NOW Defendants Aguirre Express Corp., Drive New Jersey Insurance Company, Progressive American Insurance Company, and Carlos Aguirre a/k/a Carlos Aguirre Gonzalez, named defendants in the above-styled action, and file this Notice of Removal, respectfully showing this Court the following facts:

1.

Plaintiff Lynda Sojka ("Plaintiff") filed suit against the above named defendants in the State Court of Muscogee County, State of Georgia. This suit is

styled as above and numbered Civil Action File No. SC2022CV000517. (*See generally* Plaintiff's Complaint).

2.

This Notice of Removal is filed within 30 days of Defendant Aguirre Express Corp.'s notice of the Complaint pursuant to the requirements of 28 U.S.C. § 1446(b)(1). Defendants Drive New Jersey Insurance Company, Progressive American Insurance Company, and Carlos Aguirre a/k/a Carlos Aguirre Gonzalez join in this removal pursuant to 28 U.S.C. § 1446(b)(2)(C).

3.

Upon information and belief, Plaintiff is currently, and was at the time suit was filed in this case, a resident and citizen of the State of Georgia.

4.

Defendant Aguirre Express Corp. is a foreign corporation existing under the laws of the State of New Jersey with its principal place of business in New Jersey. Defendant Aguirre Express Corp. is therefore a citizen of New Jersey.

5.

Defendant Drive New Jersey Insurance Company is a foreign insurance company existing under the laws of the State of New Jersey, with its principal place of business in Ohio. Defendant Transport Risk is therefore a citizen of New Jersey.

6.

Defendant Progressive American Insurance Company is a foreign insurance company existing under the laws of the State of Ohio, with its principal place of business in Ohio. Defendant Progressive American Insurance Company is therefore a citizen of Ohio.

7.

Defendant Carlos Aguirre a/k/a Carlos Aguirre Gonzalez is a resident of New Jersey. (Defendant Carlos Aguirre's Answer ¶ 8).

8.

Thus, complete diversity exists between Plaintiff and every named defendant. 28 U.S.C. § 1332(a)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005).

9.

Upon information and belief, the amount in controversy exceeds \$75,000.

10.

Therefore, as shown above, the aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code § 1332 and, accordingly, is one which may be removed to this Court by the Defendants pursuant to the provisions of Title 28 of the United States

Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.

11.

Defendants have attached hereto a copy of the process, pleadings and/or order served upon them in this case, such copy being marked Exhibit "A." In addition, Defendants hereby attach their Answers and Jury Demand as Exhibit "B."

WHEREFORE, Defendants pray that the case be removed to the United States District Court for the Middle District of Georgia, Columbus Division.

This 26th day of May, 2022.

Respectfully submitted,

COPELAND, STAIR, VALZ & LOVELL, LLP

/s/ Jessica F. Hubbartt

By: _____

STEPHEN J. COHEN, Esq.

State Bar No. 556599

JESSICA F. HUBBARTT, ESQ.

State Bar No.: 932295

Copeland, Stair, Valz & Lovell, LLP

191 Peachtree Street, N.E., Suite 3600

P. O. Box 56887 (30343-0887)

Atlanta, Georgia 30303-1740

(404) 221-2211Phone / (404) 523-2345 Fax

jhubbartt@csvl.com

*Attorney for Defendants Aguirre Express Corp.,
Drive New Jersey Insurance Company,
Progressive American Insurance Company, and
Carlos Aguirre a/k/a Carlos Aguirre Gonzalez*

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

LYNDA SOJKA,

Plaintiff,

v.

AGUIRRE EXPRESS CORP., DRIVE
NEW JERSEY INSURANCE
COMPANY, PROGRESSIVE
AMERICAN INSURANCE
COMPANY, CARLOS AGUIRRE
a/k/a CARLOS AGUIRRE
GONZALEZ, ABC TRUCKING
COMPANY, XYZ, INC., and JOHN
DOES 1-10,

Defendants.

Civil Action File No. _____

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing
Defendants' Notice of Removal upon all parties to this matter by filing same with
the Clerk of Court using the CM/ECF (Pacer) system and via e-mail to counsel of
record and parties as follows:

Parker M. Green
M. Alan Holcomb
Turnbull Holcomb & Lemoine, P.C.
945 East Paces Ferry Road NE, Suite 2275
Atlanta, GA 30326

aholcomb@turnbullfirm.com
pgreen@turnbullfirm.com
Attorneys for Plaintiff

Ibrahim J. Awad
Basher M. Hassan
The Awad Law Firm, P.C.
4076 Ebenezer Road
Marietta, GA 30066
ibrahim@theawadfirm.com
basher@theawadfirm.com
Attorneys for Plaintiff

This 26th day of May, 2022.

/s/ Jessica F. Hubbartt
By: _____
JESSICA F. HUBBARTT, ESQ.
State Bar No.: 932295
Copeland, Stair, Valz & Lovell, LLP
191 Peachtree Street, N.E., Suite 3600
P. O. Box 56887 (30343-0887)
Atlanta, Georgia 30303-1740
(404) 221-2211 Phone
(404) 523-2345 Fax
jhubbatt@csvl.com
*Attorney for Defendants Aguirre Express Corp.,
Drive New Jersey Insurance Company,
Progressive American Insurance Company, and
Carlos Aguirre a/k/a Carlos Aguirre Gonzalez*